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May 22, 2023

VIA CM/ECF

The Honorable Anne Y. Shields
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *United States v. Patrice Runner, 18-CR-578 (JS)*
Response To Government's May 19, 2023 Letter

Dear Judge Shields,

I write to address the government's letter communicating USMS's response to this Court's May 18, 2023 order. It appears that the USMS will not comply with the first part of the Court's order to transport Mr. Runner daily to either the Brooklyn or Central Islip courthouse for pretrial meetings with defense counsel. It also appears that the USMS cannot commit to compliance with the second part of this Court's order, namely, housing Mr. Runner at a detention facility closer to Central Islip beginning on May 30, 2023. According to the government's letter, the USMS will only request Mr. Runner's detention at a local facility beginning on June 5, 2023.

The USMS response puts the defense in the same position it was in before the Court issued its order on May 18, 2023. There is no guarantee that Mr. Runner will be held locally, and a potential transfer would occur nearly one week after jury selection. There will be no accommodations permitting defense counsel ease of access to Mr. Runner before jury selection. No BOP representative has reached out to the defense team to ensure that "Mr. Runner and his counsel will be able to schedule daily meetings between now and trial to prepare for trial and review discovery and exhibits." The defense team has no ability to "schedule daily meetings" with Mr. Runner while he is held at MDC. The defense will continue to endure hours of waiting due to lockdowns, routine "counts" prohibiting visitation, and general MDC dysfunction. Mr. Runner will continue to have limited access to discovery.

We respectfully request that the Court reconsider releasing Mr. Runner pursuant to 18 U.S.C. 1342(f) and (i). Alternatively, we respectfully request that the Court order USMS to facilitate Mr. Runner's transfer to the Yaphank Correctional Facility on May 26, 2023, and that he be held there until the conclusion of his jury trial. Thank you for considering these requests.

Respectfully submitted,

/s/ Charles V. Millioen
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